

Practitioner's Docket No.: 868_007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Teruo NISHIDA, Yorihisa UETAKE and Hiroaki IWATA

Ser. No.: 10/540,446

Group Art Unit: 1651

Filed: May 8, 2006

Examiner: Thane E. Underdahl

Confirmation No.: 4642

For: OPHTHALMOLOGICAL COMPOSITION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION
(37 CFR §1.114)**

1. Applicants hereby request continued examination, in accordance with 37 CFR §1.114, for the above identified application.
2. This request is being submitted:
 - i. Prior to abandonment of the application
 - ii. Payment of the issue fee
 - Prior to payment of issue fee
 - Issue fee has been paid but a petition under §1.313 was filed _____.
 - iii. Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
 - iv. Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145
 - v. Commencement of a civil action under 35 U.S.C. 146
 - Prior to the filing of such appeal or commencement of civil action
 - Such appeal or commencement of civil action has been terminated.

3. Please Enter and Consider the following *Previously Submitted Documents*:

- Amendment filed September 11, 2009.
 Brief on Appeal filed _____.
 Other:

4. Enclosed herewith is/are:

- An Information Disclosure Statement and Form PTO-1449
 An Amendment
 New arguments
 New evidence in support of patentability
 Other:

5. The filing fee has been calculated as shown below:

RCE Filing Fee (37 CFR §1.17(e))						\$ 810.00
Claims	Claims Remaining After Amendment		Highest Number Previously Paid	No. of Extra Claims Present		
Total Claims	5	Minus	20	0	\$ 52.00	
Independent Claims	1	Minus	3	0	\$ 220.00	
Multiple Dependent Claim(s) (if applicable)						\$ 390.00
<u>Extension of Term</u>						
a.	<input type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.					
b.	<input checked="" type="checkbox"/> Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below: <input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) \$ 130.00 <input type="checkbox"/> Two Months (37 CFR 1.17(a)(2)) \$ 490.00 <input checked="" type="checkbox"/> Three Months (37 CFR 1.17(a)(3)) \$1,110.00					
If an additional extension of time is required, please consider this a petition therefor.						
<input checked="" type="checkbox"/> An extension for <u>2</u> months has already been secured, and the fee paid therefor of <u>\$490.00</u> is deducted from the total fee due for the total months of extension now requested.						\$ 620.00
TOTAL OF ABOVE CALCULATIONS =						\$1,430.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27.						
TOTAL FEES DUE =						\$1,430.00

6. Payment of Fees

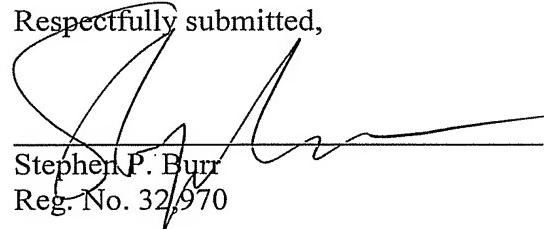
- A check in the amount of \$_____ is enclosed.
- Charge Deposit Account 50-1446 in the amount of \$_____.
- The Total Fees Due were paid via EFS on Form PTO-875.

7. Authorization to Charge Additional Fees or Credit Overpayment

- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446:
- Any additional fees required under 37 CFR §1.17(e), §1.16(b)-(d) and/or §1.17(a)(1)-(4).

October 14, 2009

Date

Respectfully submitted,

Stephen P. Burr
Reg. No. 32970

SPB/tlp

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